

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

Evonna Mathis, :
 :
 Plaintiff, :
 :
 v. : Case No. 2:10-cv-1090
 :
 AT&T SBC Communications, : JUDGE SMITH
 et al., :
 :
 Defendants.

ORDER

Plaintiff Evonna Mathis, proceeding pro se, has filed a motion to amend her complaint to add five new defendants. Fed. R. Civ. P. 15(a) states, in pertinent part, that:

- (1) A party may amend its pleading once as a matter of course within:
 - (A) 21 days after serving it, or
 - (B) if the pleading is one to which a responsive pleading is required, 21 days after service of a responsive pleading or 21 days after service of a motion under Rule 12(b), (e), or (f) whichever is earlier.

Ms. Mathis filed her complaint on December 10, 2010, and her motion to amend on December 20, 2010. Pursuant to Fed.R.Civ.P. 15(a)(1)(A), Ms. Mathis is entitled to amend her complaint as a matter of course without seeking leave of court. Where a party seeks leave of court to amend a pleading, but leave is technically not required, it is error for the Court to deny the motion for leave to amend. Williams v. AMF, Inc., 512 F.Supp 1048 (S.D. Ohio 1981), citing Rogers v. Girard Trust Co., 159 F.2d 239 (6th Cir. 1947). Consequently, the motion to amend is granted. Ms. Mathis shall file an amended complaint naming the additional defendants within seven days. Further, Ms. Mathis

shall submit service copies of the amended complaint and an additional set of summons forms for each defendant to enable the United States Marshal to make service.

/s/ Terence P. Kemp
United States Magistrate Judge